

EXHIBIT 1



July 9, 2018

Hon. Sam Sparks
US District Court for the Western District of Texas
501 West Fifth Street, Suite 4120
Austin, TX 78701

Re: *Alexander Stross v. Redfin Corporation*
Case No. 1:15-cv-00223-SS

Dear Judge Sparks:

We are, respectively, general counsel to the National Association of REALTORS® (“NAR”) and CEO of the Austin Board of REALTORS®, the owner of the ACTRIS multiple listing service (“MLS”) that disseminated the photographs to Redfin at issue in this case. We are writing to reiterate and supplement the amicus briefing NAR previously submitted to this Court on July 5, 2016, regarding the importance of the Digital Millennium Copyright Act (“DMCA”) to the residential real estate brokerage industry in the United States.

We urge the Court to find that Redfin, like other brokerage websites, is a service provider under the DMCA, and to apply the DMCA immunity analysis to this case before trial. The DMCA was created to preempt expensive copyright litigation such as this by providing a simple way for copyright holders to give a service provider notice of alleged infringement and an opportunity to remove the allegedly infringing material. Under the DMCA, if the service provider timely removes the material, there are no damages and thus no need for litigation.

We understand Mr. Stross has alleged that Redfin failed to satisfy the requirements of the DMCA by designating an MLS as its registered copyright agent. However, it is important to note that at all times relevant to this litigation it was a practice for some MLSs to act as the registered copyright agent for their members. This practice was endorsed by NAR and a number of MLSs, including the Northwest Multiple Listing Service, the MLS that Redfin designated as its agent. This practice was intended to direct takedown notices to MLSs, as they were believed to be in the best position to remove allegedly infringing content not only from the broker website initially identified by the copyright holder, but also all other MLS-powered websites.

We regret that this dispute between MLS participants is being litigated in federal court, as REALTOR® Associations and MLSs strive to maintain adequate internal dispute resolution and enforcement mechanisms. However, since this case is being litigated, the significance of DMCA protection to the residential brokerage industry cannot be overstated. Therefore, we urge the Court to consider the applicability of the DMCA to this case and further to find that Redfin is a service provider and thus may be entitled to protection of the DMCA Safe Harbor.

Sincerely,



Katherine Johnson
General Counsel & Senior Vice President
National Association of REALTORS®



Emily Chenevert
Chief Executive Officer
Austin Board of REALTORS®